



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,991	02/01/2002	Takehiko Nakano	09812.0178-00000	2851

22852 7590 05/17/2006

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER
----------

CHOWDHURY, NIGAR

ART UNIT	PAPER NUMBER
----------	--------------

2621

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/062,991	<b>Applicant(s)</b> NAKANO, TAKEHIKO	
	<b>Examiner</b> Nigar Chowdhury	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claim 26 is rejected under 35 U.S.C. 101 because claims are directed to a computer program.

When nonfunctional descriptive material is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,010,801 by Jerding et al.

3. Referring claim 1, a content recording/reproducing apparatus for controlling the recording and reproducing of content limited in viewable period, comprising:

- Content recording means for recording content received from the outside (Fig. 1, Col. 4 line 1-18)
- Determination means for determining a viewable period of the recorded content (Fig. 19, Col. 25 line 16-40)
- Presentation means for presenting information associated with viewable period of recorded content (Fig. 19, Col. 25 line 16-40)
- Content reproduction means for reproducing recorded content (Fig. 3, Col. 5 line 44-55. Fig. 19, Col. 25 line 16-40)
- Reproduction control means for controlling a reproducing operation of content reproduction means in accordance with viewable period of recorded content (Fig. 3, Col. 5 line 44-55. Fig. 19, Col. 25 line 16-40).

4. Referring claim 2, the content recording/reproducing apparatus according to claim 1, determination means determines viewable period of content on the basis of a recording retention period unique to each content (Fig. 19, Col. 25 line 16-40).

5. Regarding claim 3, the content recording/reproducing apparatus according to claim 2, determination means determines viewable period of content on the basis of a period of time from at least one of a point of time at which the distribution of content is started and a point of time at which at least one of the reception and recording of content is started by content recording means to a point of time at which recording retention period given to content passes (Fig. 19, Col. 25 line 16-40).

6. Referring claim 4, the content recording/reproducing apparatus according to claim 2, determination means determines viewable period of content on the basis of a period of time from a point of time at which the reproduction of content is first started by content reproduction means to a point of time at which recording retention period given to content passes (Fig. 19, Col. 25 line 16-40).

7. Regarding claim 5, the content recording/reproducing apparatus according to claim 1, presentation means presents information associated with viewable period of recorded content by superimposing information on a reproduction signal of content generated by content reproduction means (Fig. 19, Col. 25 line 16-40. Fig. 15, Col. 23 line 50-55).

8. Referring claim 6, the content recording/reproducing apparatus according to claim 1, presentation means presents information associated with viewable period of recorded content through an output device different from a reproduction output device of

Art Unit: 2621

content (Fig. 19B, Col. 25 line 29-33. In figure 272 is showing the viewable period of recorded content and 274 is showing the reproduction in two different windows).

9. Regarding claim 7, the content recording/reproducing apparatus according to claim 1, presentation means transmits information associated with viewable period of recorded content to a predetermined communication path (Fig. 3, Col. 5 line 44-67).

10. Referring claim 8, the content recording/reproducing apparatus according to claim 1, reproduction control means prohibits the reproduction of the content of which viewable period has passed, by content reproduction means (Fig. 19, Col. 25 line 16-40).

11. Regarding claim 9, the content recording/reproducing apparatus according to claim 1, further comprising:

- Control input means for accepting user command input (Fig. 3, Col. 6 line 16, 17)
- In response to an instruction for moving a content viewing start position through control input means, reproduction control means instructs content reproduction means to move a content viewing position and presentation means presents information associated with the viewable period of the reproduced content (Fig. 19, Fig. 20. Col. 26 line 34-39).

12. Referring claim 10, the content recording/reproducing apparatus according to claim 1, further comprising:

- Control input means for accepting user command input (Fig. 3, Col. 6 line 16, 17)
- In response to an instruction for clearing a viewing pause operation through control input means, presentation means presents information associated with viewable period of content, and if viewable period of content has not been passed, reproduction control means instructs content reproduction means to start reproducing content (Fig. 19, Fig. 20. Col. 26 line 40-51).

13. Regarding claim 11, the content recording/reproducing apparatus according to claim 1, in response to the expiration of said viewable period of content in a viewing paused state, reproduction control means starts reproducing content in the viewing paused state regardless of a user instruction for clearing said viewing paused state (Fig. 15, Col. 23 line 46-55).

14. Regarding claim 12, the content recording/reproducing apparatus according to claim 1, in response to the expiration of viewable period of content in a viewing paused state, reproduction control means starts reproducing content in the viewing paused state regardless of a user instruction for clearing viewing paused state (Fig. 15, Col. 23 line 46-55) and presentation means presents an elapsed time from the start of the

Art Unit: 2621

reproduction of content and/or information indicative of the expiration of said viewable period (Fig. 19, Col. 25 line 16-40).

15. Method claims 13-24 are rejected for the same reason as discussed in the corresponding apparatus claims 1-12 respectively.

16. Claims 25, 26 are rejected for the same reason as discussed in the corresponding apparatus claim 1 above.



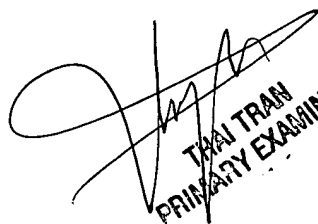
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NC  
05/08/2006

  
THAI TRAN  
PRIMARY EXAMINER